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Agenda item 8

REGIONAL MEETINGS

Report by the Secretariat

Bangkok NGO Declaration on Human Rights

1. The General Assembly, in its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly 45/155.

2. The attention of the Preparatory Committee is drawn to the attached contribution from the Coalition for Peace and Development on behalf of all the non-governmental organizations which participated in a meeting of more than 100 non-governmental organizations at Bangkok from 24-28 March 1993 and adopted the Bangkok NGO Declaration on Human Rights.

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SUMMARY OF BANGKOK NGO DECLARATION

Joint Statement of Several Human Rights and Development NGOs

Presented

at the Regional Meeting for the Asia-Pacific
in preparation for the U.N. World Conference on Human Rights
Bangkok, Thailand
1993 March 29 Monday

I. Introduction

On the eve of the Preparatory Meeting of Asian Governments, some 240 representatives of more than 110 non-governmental organizations (NGOs) from about 26 countries across the Asia-Pacific region have put forward a detailed human rights agenda for immediate implementation.

The Bangkok NGO Declaration sets out the human rights challenges facing our region and recommendations designed to meet them.

The representatives in this landmark document leave no doubt as to what is expected of governments and the determination of human rights and development NGOs to have those expectations met.

II. Key Challenges

The Bangkok NGO Declaration has put stress on the following:

There is emerging a new understanding of universalism encompassing the richness and wisdom of Asia-Pacific cultures. As human rights are of universal concern and are universal in value, the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty.

We affirm our commitment to the principle of indivisibility and interdependence of human rights, be they economic, social, and cultural, or civil and political rights. There must be a holistic and integrated approach to human rights. One set of rights cannot be used to bargain for another.

The issue of women's rights has not been sufficiently visible. Women's rights

are human rights. Crimes against women are crimes against humanity. The failure of governments to prosecute those responsible for such crimes implies complicity.

We are entitled to join hands in solidarity to protect human rights worldwide. International solidarity transcends the national order to refute claims of state sovereignty and non-interference in the internal affairs of a state.

We emphasize the need for balanced and sustainable development, bearing in mind maximisation of people's development; integrated approaches on civil, political, economic, social, and cultural rights; equity and social justice; income distribution and fair resource allocation. There is an urgent call to democratise the development processes at both the national and international levels so as to ensure a harmonious relationship between humanity and the natural environment, and to create processes to enhance the empowerment of women and gender equality. The thrust is to promote human and humane development.

Democracy is a way of life. It pervades all aspects of human life: in the home, in the workplace, in the local community, and beyond. Democracy must be fostered and guaranteed in all countries.

We express our deep concern over the increasing militarization throught the region and the diversion of resources. The quest for peace and human rights is intertwined with the need to demilitarize.

We affirm that all peoples have the right of self-determination. By virtue of that right, they freely determine their political status, and freely pursue their economic, social and cultural development. The right of peoples to self-determination must, therefore, be observed by all governments.

The practice of torture, and other inhuman, degrading, or cruel treatment and punishment in the Asia-Pacific region gives rise to increasing concern. These practices must be abolished.

The pretext for constraining the channels of freedom of expression is often internal or national security and law and order. This is a façade for authoritarianism and for the suppression of democratic aspirations and institutions.

If we wish to promote democracy and respect for human rights, we must develop comprehensive human rights education and training in both governmental and non-governmental programmes, in and out-of-school.

The Asia-Pacific region is home to many indigenous peoples. A basic issue among the indigenous peoples is the fact that many are neither recognized as indigenous nor as peoples by governments and as such are denied the right to self-determination.

Implementation of the rights of the children to survival, protection, development and participation as embodied in the U.N. Convention on the Rights of the Child must be a paramount concern of every State, regardless of considerations of national capacity and security.

Too often, peasants and workers endure the worst cases of human rights abuses in the region.

The human rights of internally displaced persons and refugees as a direct result of militarization and armed conflict are violated in the name of restrictive national policies.

We emphasize that states are bound to respect all human rights in their

under all circumstances.

As human rights activists and development workers voice the interests of the people and work for their advancement, it is imperative that they be permitted to work freely; their right to participate in community life and to enjoy the totality of human rights must be respected.

We affirm the need for the independence of the judiciary and call for judicial responsibility to render justice more accessible to the people.

III. Key Recommendations

A. International Human Rights Laws

Agreed on the urgent need to address women's rights as human rights as one of the principal issues with a determination to see effective protection for the rights of indigenous peoples, children, peasants, workers, Dalits (the untouchables), the disabled, and all other marginalized groups, the meeting is putting to Governments of the Asia-Pacific region a number of specific recommendations.

1. Governments of the region must accede without further delay to the principal United Nations Covenants, Conventions, Protocols, Rules, Codes of Conduct, and other human rights instruments.

2. Governments of the region must without further delay withdraw reservations on those human rights instruments to which they are High Contracting Parties, including the Convention on the Elimination of Discrimination Against Women (CEDAW).

3. These international instruments must be given force not only in domestic law but more importantly in practice.

B. U.N. Mechanisms

In addition, the representatives of NGOs are putting forward specific recommendations aimed at strengthening the capacity of the United Nations to promote and protect human rights, including:

1. The establishment within the U.N. of a Special Commissioner for Human Rights as a new high-level authority to bring a more effective and rapid response, coherence, and coordination of the United Nations for the protection of human rights;

2. Improvement in the operation of existing treaty monitoring bodies and mechanisms; and,

3. Support for the establishment of effective regional human rights instruments and mechanisms subject to explicit guarantees of its independence and effectiveness and public access, including by NGOs.

BANGKOK NGO DECLARATION ON HUMAN RIGHTS

27 MARCH 1993

Introduction

Some 240 participants from 110 non-governmental organisations (NGOs) concerned with issues of human rights and democratic development from the Asia-Pacific region - representing women, children, indigenous peoples, workers, community development and other concerns, met in Bangkok from 24- 28 March 1993 to review the current human rights situation in the region and to formulate strategies for the future promotion and protection of human rights.

This gathering was motivated by the need to offer, in a spirit of international solidarity, ideas and suggestions in the lead-up to the Asian inter-governmental conference on human rights (Bangkok, 29 March - 2 April 1993), the World Conference on Human Rights (Vienna, June 1993), and beyond.

Challenges

The participants identified the following essential challenges:

1. Universality. We can learn from different cultures in a pluralistic perspective and draw lessons from the humanity of these cultures to deepen respect for human rights. There is emerging a new understanding of universalism encompassing the richness and wisdom of Asia-Pacific cultures.

Universal human rights standards are rooted in many cultures. We affirm the basis of universality of human rights which afford protection to all of humanity, including special groups such as women, children, minorities and indigenous peoples, workers , refugees and displaced persons, the disabled and the elderly. While advocating cultural pluralism, those cultural practices which derogate from universally accepted human rights, including women's rights, must not be tolerated.

As human rights are of universal concern and are universal in value, the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty.

2. Indivisibility. We affirm our commitment to the principle of indivisibility and interdependence of human rights, be they civil, political, economic, social or cultural rights. The protection of human rights concerns both individuals and collectivities. The enjoyment of human rights implies a degree of social responsibility to the community.

Violations of civil and political rights are perpetrated every day. These include the stifling of self- determination, military occupation, killings, torture, political repression, and suppression of freedom of expression and other freedoms. By contrast, poverty and the lack of basic necessities constitute key violations of economic, social and cultural rights.

Violations of civil, political and economic rights frequently result from the emphasis on economic development at the expense of human rights. Violations of social and cultural rights are

often the result of political systems which treat human rights as being of secondary importance.

Economic rights involve a fair distribution of resources and income, the right to freedom from hunger and poverty. These can only be protected where people are able to exercise their civil and political rights, for example, the right of workers to organise and form unions to protect their economic rights. Poverty arises from maldevelopment in the face of systemic denial of human rights.

There must be a holistic and integrated approach to human rights. One set of rights cannot be used to bargain for another.

3. **Women's Rights as Human Rights**. The issue of women's rights has not been sufficiently visible in the human rights discourse, in human rights institutions and practices. Patriarchy which operates through gender, class, caste and ethnicity, is integral to the problems facing women. Patriarchy is a form of slavery and must be eradicated. Women's rights must be addressed in both the public and private spheres of society, in particular in the family.

To provide women a life with dignity and self- determination, it is important that women have inalienable, equal economic rights (e.g. right to agricultural land, housing and other resources, and property). It is imperative for governments and the United Nations (UN) to guarantee these rights.

Crimes against women, including rape, sexual slavery and trafficking, and domestic violence are rampant. **Crimes against women are crimes against humanity, and the failure of governments to prosecute those responsible for such crimes implies complicity.**

In the Asia-Pacific region, women's rights are violated by increasingly militant assertions of religious and ethnic identity; the fact that these violations often take place through private actors is used by states as a pretext for failing to counter them as transgressions of human rights. In crisis situations - ethnic violence, communal riots, armed conflicts, military occupation and displacement - women's rights are specifically violated.

In the case where countries have acceded to the relevant international instruments on women's rights, many countries have entered too many reservations to exempt themselves from responsibility. This illustrates the lack of political and social will to protect women's rights.

4. **Solidarity**. We are entitled to join hands to protect human rights worldwide. We commit ourselves to international solidarity and to voice the concerns of our brothers and sisters without boundaries and barriers. Discrimination based upon race, gender, political, economic, social, religious or ethnic origin must not be tolerated. **International solidarity transcends the national order to refute claims of state sovereignty and non-interference in the internal affairs of a state.**

5. **Sustainable Development**. No country can attain genuine development if it is not truly free, if it has not been able to successfully liberate itself from foreign domination and control. A major cause of maldevelopment and gross violations of human rights is the dominance and consequence of imperialism in the Asia-Pacific region. A pre-condition to genuine development is the attainment of national liberation and self-determination of the peoples in the region.

We re-emphasise the need for balanced development, bearing in mind maximisation of people's development; integrated approaches on civil, political, economic, social and cultural rights; equity and social justice; income distribution and fair resource allocation. Particular attention must be paid to the needs of different groups including women, children, rural people, the urban poor, minorities and indigenous peoples, refugees and displaced persons, workers,

and others in disadvantaged positions. The natural environment must be protected as part and parcel of human rights.

Various top-down development models have led to maldevelopment. Action against national liberation and the people's right of self-determination against political/military repression are key constraints for the realisation of development. These are compounded by regional peculiarities whereby state boundaries are at times artificial when viewed from the commonalities between peoples across frontiers.

On the one hand, we must restructure the international development framework to respond more directly to the needs of people in our societies and communities - both men and women , including debt relief, reform of the international financial, economic and commercial systems, and greater democratisation of the decision-making process. The role of international aid agencies - multilateral and bilateral - and financial institutions has given rise to a number of human rights violations; they must be held accountable for the human rights violations caused by their policies and deeds.

International economic forces have great impact on human rights. The divide between North and South in terms of global equity and resource base, compounded by elitism, perpetuates social and economic disparities. The shift to a market economy has led to various human rights violations linked with development. Market rights do not mean human rights. "One dollar, one vote" does not mean democracy. Freedom to exploit does not deliver economic rights to the poor.

On the other hand, reform is also required at the national level. Maldevelopment leads to increasing poverty, income disparities, dispossession and deprivation, including land and resource holdings, environmental degradation, and over- emphasis on macro-economic development without sufficient enhancement of human development, freedoms and dignity, including dignity of men and women.

There is an urgent call to democratise the development process at both the national and international levels so as to ensure a harmonious relationship between humanity and the natural environment, and to create processes to enhance the empowerment of women and gender equality. The thrust is to promote human and humane development.

6. Democracy. Democracy is more than a legalistic or formal process. Democracy is more than the ritual casting of a ballot at one party or multi-party elections. True democracy involves participatory democracy by the people at all levels so that the people have a voice in the discussions by which they are governed.

It must be realised in the form of people's empowerment and participation at the grassroots and other levels with responsive and accountable processes and institutions at both the local and national levels. It demands good governance, freedom from corruption, and accountability of state and other authorities to the people. It involves the protection and participation of those groups which are not in the majority, namely minorities and disempowered groups. It is intertwined with the issue of land and social justice for rural people and other disadvantaged groups.

Democracy is a a way of life; it pervades all aspects of human life - in the home, in the workplace, in the local community, and beyond. It must be fostered and guaranteed in all countries.

7. Militarisation. We express deep concern over the increasing militarisation throughout the region and the diversion of resources for this purpose. Militarisation has led to the destruction of

civil society, undermined the right of self- determination, and denied the people the right to liberate themselves and their freedom from fear. At times, militarisation has taken the guise of civilian groups, such as vigilantes.

It has particularly harmed indigenous peoples and has resulted in forced migration. It is interrelated with violence against women, such as sexual slavery , rape and other crimes committed in armed conflicts. It has particularly harmed the children. They suffer from physical health problems, emotional disorders, and social maladjustments due to traumatic events such as arrest and torture, evacuation, massacre, disappearance, and other forms of human rights violations.

Militarisation is closely linked with religious fundamentalism and ethnic discord, including ethnic cleansing fanned by certain governments.

Militarisation of smaller, less militaristic states is often abetted by superpowers and regional powers. Profiteering from the sale of weapons of mass destruction has been a prime cause of economic growth in developed countries and maldevelopment in developing countries. It is aggravated by the proliferation of nuclear weapons and energy, and environmental damage due to toxic wastes.

The quest for peace and human rights is intertwined with the need to demilitarise.

8. **Self-determination**. The right of self- determination of peoples is well-established in international human rights instruments and international law. The root cuase of most internal conflicts can be traced back to this fundamental human right.

We affirm that all peoples have the right to self- determination. By virtue of that right, they freely determine their political status, and freely pursue their economic, social and cultural development. The right of peoples to self- determination must, therefore, be observed by all governments.

It is understood also that self-determination does not necessarily imply secession or independence. Self-determination can mean independence, free association, integration with an independent state or other constitutional arrangement arrived at through popular consultation and consent.

9. **Torture**. The existence of torture and inhuman and degrading treatment in the Asia-Pacific region gives rise to increasing concern. **These practices must be eradicated.**

In many countries, suspects are tortured by law enforcement personnel for extracting "confessions". This inhuman practice is officially encouraged by some authorities as a cheap and convenient method of crime control. These so-called "confessions" are used as "evidence" in court cases.

The action needed to counter such practices needs to be both preventive and curative. The latter implies prosecution of those responsible, as well as rehabilitation assistance for torture victims.

10. **Freedom of expression**. This freedom is constrained in many Asia-Pacific countries. It is necessarily interrelated with the call for civil and political rights, and democracy.

In several countries, there are no independent media. People cannot express themselves without fear. Many people are persecuted, jailed, and even killed because they speak out their thoughts. **The pretext for constraining these channels of expression is often national security and law and order; this is a facade for authoritarianism and for the suppression of**

democratic aspirations.

11. Human rights education and training. Human rights education and training have so far not been incorporated sufficiently into both formal and non-formal education. Illiterary remains widespread.

School curriculum tends to favour the ruling elites. Not only are millions of people unaware of their rights, but also receive no encouragement or assistance in asserting their rights. Human rights education and training have both preventive and curative impact - they can empower people to prevent problems from arising by nurturing respect for other people's rights, and vice versa, as well as to inform people of the possibilities of redress.

If we wish to promote democracy and respect for human rights, we must develop comprehensive human rights education and training in both governmental and non-governmental programmes, in and out-of-school.

12. Indigenous Peoples. The Asia-Pacific region is home to many indigenous peoples. **A basic issue among these indigenous peoples is the fact that many are not recognised as indigenous by governments and as such are denied the right to self-determination.**

They are denied their specific cultural identity and entitlement to protection under relevant international human rights instruments. They are victims of ethnocide and genocide perpetrated by certain governments - whether from the North, the South or together , international financial institutions and transnational corporations. International legal instruments presently available are weak in ensuring collective human rights protection.

In many parts of the region, their right to land and other rights are not respected. Among the consequences are the expropriation and despoilation of their lands, armed conflicts and displacement as refugees. This has been accompanied by persecution and suppression by force. On another front, tourism has at times led to the degradation of indigenous lifestyles through commercial exploitation.

13. Children. A variety of abuses and exploitation of children arise in the region. These include child labour, children in bondage and sexual slavery, child prostitution, sale and trafficking of children, children in armed conflict situations, children in prison, children in poverty situations and other deprivations, and children abused in families compounded by family break-up and breakdown. Basic needs, such as physical and mental health, nutrition, education, shelter, and participation are often unsatisfied. The advent of AIDS has increased the plight of children; discrimination is increasing both against children with AIDS and orphans of AIDS affected families.

Children's rights are endangered in a wide variety of situations. At a very early age, they are exposed to violence in many forms by governments - poverty, malnutrition, disease, and lack of education which stultify their growth and deprive them of their childhood.

The scenario is much linked with discrimination against the girl child, militarisation, and the distorted development process. Although many countries have now acceded to the International Convention on the Rights of the Child, implementation remains weak, with much lip-service rather than effective action to protect children and to assist their families.

Implementation of the rights of children to survival, protection, development and participation as embodied in the International Convention on the Rights of the Child must be a paramount concern of every state regardless of considerations of national capacity and security.

14. Workers. Workers of the Asia-Pacific region do not enjoy acceptable standards of human rights. Too often it is workers and trade union leaders who endure the worst cases of human rights abuses in the region. The right of freedom of association and the right to organise trade unions are very restricted in several countries.

In this setting, human rights that are taken for granted in the civil society are ignored within the factory and the workplace. The human rights of workers such as women, migrants, bonded labourers, children and youths, and those in the informal/unorganised sector are in an even more critical situation.

The economic rights of workers, especially their access to an adequate standard of living, is often neglected in the region. Transnational corporations and agencies such as the International Monetary Fund and the World Bank at times work to undermine this right in the name of economic freedom. Many abuses of worker rights in this region come from the same countries of the North which preach human rights to the South.

15. Refugees and Displaced Persons. The problem of refugees and displaced persons is widespread and growing in the region; it is becoming a permanent phenomenon. It is intermingled with political repression, armed conflicts, ethnic discord, and other factors. Economic factors also push people to move in search of a livelihood elsewhere.

Inadequate attention is paid to their plight. Their position is compounded by the lack of effective national and international machinery to ensure their protection and assistance.

The safety of refugees and displaced persons is often jeopardised by restrictive state policies and discrimination. The basic right of refugees not to be pushed back to the frontiers of dangers is violated on many occasions. The procedures established to determine refugee status are often defective, and voluntary repatriation to the country of origin is not always guaranteed. The human rights of refugees and displaced persons, including freedom of expression, are violated in the name of restrictive national policies.

Few countries have acceded to the relevant refugee instruments. This displays a reticence to recognise international human rights standards and to render the situation more transparent internationally.

16. Derogations. Several countries seek to constrain the enjoyment of human rights by means of derogations. In cases of increasing militarisation, military occupation and rule - at times in the guise of civilian governments, the space for civil society is becoming narrowed with negative impact for human rights.

We re-emphasise that states must not derogate from human rights standards for reasons of national security, law and order, or the equivalent. We reiterate that states are bound to respect human rights in their totality in all circumstances.

17. Human Rights Activists/Defenders. Increasing restrictions are being imposed on the work of human rights activists/defenders - peoples from all walks of life involved with human rights - and social movements in the region, including the operations of NGOs. Often they are intimidated, harassed, and even murdered. In some countries, NGOs are not even allowed to exist.

As these groups voice the interests of the people and work for their advancement, it is imperative that they be permitted to work freely; their right to participate in community life and to enjoy the totality of human rights must be respected.

18. Judicial independence and responsibility. In many societies, the independence of the

judiciary and the administration of justice are being jeopardised by authoritarian elements. This is compounded by various national laws that conflict with human rights standards, particularly discrimination and inequality, and the complicity of certain judges in perpetuating authoritarian regimes.

The legal structure is also distant from many communities. There is a key question concerning access by people to the courts system. This is intertwined with the issue of legal aid, assistance and dissemination of legal knowledge.

We re-affirm the need for judicial independence and call for judicial responsibility to render justice more accessible to the people.

Issues

The participants highlighted the following concerns as issues requiring urgent and effective action, both in terms of prevention and remedies:

* increasing lawlessness on the part of governmental authorities;

* governmental action undermining the universality and indivisibility of human rights;

* failure to enhance human freedoms and dignity, including the dignity of men and women;

* threats to the right to self-determination;

* non-recognition of and continuing violations of women's rights due to patriarchy, including economic rights, and inadequacy of processes to enhance the empowerment of women and gender equality;

* breaches of children's rights due to economic needs, socio-cultural constraints, criminality, consumerism, discrimination and militarisation;

* increasing environmental degradation and depletion of natural resources;

* proliferation of armed conflicts, enmeshed in ethnic discord, with threats to civilians;

* political repression by means of killings, disappearances, and torture, and political prisoners, and suppression of civil and political rights, including self- determination, freedom of expression and assembly;

* violation of the right to health, and underdeveloped health care systems characterised by maldistribution and inaccessibility of resources to the poor majority;

* denial of health services to survivors of human rights violations;

* attacks on the rights of workers;

* insecurity of migrant workers;

* threats to agrarian and rural communities;

* harassment of persons, including health and church workers, carrying out their humanitarian functions;

* widespread sexual exploitation;

* religious intolerance mixed with extremism, and other forms of discrimination on the basis of religion;

* lack of legal and other redress for human rights violations;

* impunity of those who commit human rights violations;

* numerous constraints imposed upon the mass media;

* lack of access to information to empower people to protect their human rights;

* discrimination and national oppression of minorities and indigenous peoples, and inadequate protection of tribal peoples;

* discrimination and violence perpetrated against the "untouchables" and the process of untouchability;

* increasing number of and threats to refugees and displaced persons, particularly through lack of fair and effective refugee screening procedures, violations of their human rights, and menace to their right to seek asylum and safety;

* insufficient protection of the disabled, including both physical and mental dimensions;

* lack of services and assistance for the elderly;

* escalation of AIDS and related discrimation;

* spread of drugs and related exploitation;

* low levels of education, in particular unavailability of essential human rights information, lack of awareness and skills;

* paucity of accession to international human rights instruments (as well as too many "reservations" upon accession) and failure to implement them at the national and local levels;

* restricted access by individuals and NGOs to the international human rights system;

* lack of regional and national inter-governmental mechanisms to protect human rights in an independent and accessible manner.

RECOMMENDATIONS FOR ACTIONS BY GOVERNMENTS OF THE ASIA-PACIFIC REGION

GENERAL RECOMMENDATIONS

We, representatives of Asian-Pacific NGOs, call on Asia-Pacific governments:

i) to promote and protect the **universality and indivisibility** of human rights by :
- recognising and guaranteeing the interrelationship between human rights, development and democracy as propounded by this NGO Declaration;
- guaranteeing the rights of collectivities, such as minorities, indigenous peoples and the unorganised sectors of labour as well as individual rights.
- eliminating the root causes of human rights violations - civil, political, economic, social and cultural.

ii) to **review and reform laws, policies and practices** which are detrimental to the full realisation of the civil, political, economic, social and cultural rights of their people

iii) to ensure that **development strategies are sustainable**, equitable, people-based and in a balance with the natural environment, with the aim of assuring equity and enhancing the freedoms and the dignity of all women and men.

iv) to **counter socio-cultural practices** and extremism which constrain human rights, particular women's rights, and in particular to reform laws, policies and religious and cultural practices that tend to deny women's independent existence and to take measures, such as community mobilisation, mass education and long-term development, to initiate and and enhance the process of empowerment and equality.

v) to **lift constraints on political rights** imposed by national security and law and order, by repealing repressive laws, ending arbitrary arrests, and releasing all political prisoners before the UN World Conference on Human Rights, and liberalising the political system so as to democratize the decision-making process, guarantee people's participation at all levels of government, and abide by good governance.

vi) to **address the root causes of armed conflicts** which are foreign domination, widespread landlessness and powerlessness among the people, and the collaboration of ruling elites with foreign powers and their instrumentalities;

vii) to **reduce arms purchases and re-allocate arms expenditure** to development needs, the improvement of preventive mechanisms and the promotion of human rights promotion and

protection,and to initiate and pursue consultative processes, social services and peaceful settlement of disputes, bearing in the mind the special concerns of women, children, minorities indigenous peoples, workers in the organised and unorganised sectors, refugees and displaced persons, peasants, and other disadvantaged groups.

viii) to **respect the work of human rights activists/defenders** and social and legal movements, including non-government organisations, to cease harassment, intimidation and other malpractices against this sector and to facilitate, rather than obstruct, the operations of these catalysts of social change.

ix) to **guarantee the independence of the judiciary**, while nurturing a commitment to responsibility to the people, providing adequate remedies for human rights violations through judicial and other channels, including the availability of legal aid and assistance, and to counter the impunity of violators by effective legal and other measures.

x) to **ensure that human rights have the first call on state resources**, by reducing arms purchases and diverting the funds from militarisation to human rights promotion and protection, and by reallocating from other sources;

xi) to promote **comprehensive human rights education and training**, including an increase in the provision of information, the development of awareness and of skills. Participatory learning methods will enrich the process and contribute to the promotion and protection of universal human rights standards by utilizing the cultural wealth of the region.

SPECIFIC RECOMMENDATIONS

1. **We call** on governments in the Asia-Pacific region :

i) to **accede to and effectively implement international human rights instruments**, and to protect international human rights standards contained in the :

- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Cultural and Social Rights;
- Optional Protocols I and II to the ICCPR;
- Convention Against Torture;
- Convention Against the Elimination of All Discrimination Against Women (CEDAW);
- Convention on the Elimination of all forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Convention on the Status of Refugees;
- Convention on the Non Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- ILO Conventions;
- UN Declaration on the Rights of Minorities;

and as a matter of priority to protect the rights of women by ratifying CEDAW, of indigenous people by ratifying ILO Convention 169 and of workers by ratifying all other ILO Conventions.

ii) to guarantee the totality of human rights by withdrawing reservations, in particular those applying to CEDAW and the Convention on the Rights of the Child, removing reservations determined to be incompatible, and establishing an expeditious procedure for reviewing the compatibility of reservations;

iii) to support the adoption of the proposed Optional Protocol to the Convention Against Torture, the Draft Declaration on Violence against Women and an Optional Protocol to the Covenant for Economic, Cultural and Social Rights (ICESR) and subsequently to ratify the protocol to the ICESR.

iv) to introduce or amend domestic legislation

-to ensure compliance with these international obligations,in particular with the standards of equality and non-discrimination, and to resolve conflicts between the customary laws of a group or people and those of the state, in conformity with the universality of human rights according priority to those which conform to the spirit of the Universal Declaration on Human Rights.

- to ensure the protection of the rights of women, children, indigenous peoples, peasants and workers and all marginalised groups;

- to guarantee the freedom of religious organisation and expression;

- to abolish the death penalty.

v) to cease immediately all forms of political repression, including organised sexual violence, torture, enforced or involuntary disappearances, extrajudicial executions and arbitrary detention;

vi) to ensure protection of the rights of all victims of human rights violations, particularly torture victims and prisoners;

vii) to provide the basic needs of political prisoners, torture victims, refugees and displaced persons;

viii) to provide compensation, indemnification and total health services, including rehabilitation to survivors and families of victims of organised violence sponsored and sanctioned by the State, including torture, sexual slavery (including victims of the devadasi (slaves of god) system), forced labour, involuntary disappearances, summary execution, police and military oppression, political repression, unjust detention and internal displacement;

ix) while welcoming any initiative by governments to set up a regional mechanism for the protection and promotion of human rights in the Asia-Pacific region, such measures must be subject to the following conditions:

- if a regional commission is set up, it should be mandated to apply without reservations the International Bill of Human Rights, CEDAW, the Convention against Torture, the Declaration of the Right to Development and other relevant human rights instruments;

- member states of this regional Commission must ratify or accede to the above international instruments prior to their membership;

- the right of individuals and NGOs to petition the regional Commission must be guaranteed;

- such petitions or appeals should not preclude concurrent appeals to the various UN mechanisms for the protection of human rights;

- no member of this regional Commission should hold an official position in Government concurrently, and members should be appointed in consultation with NGOs;

- there should be a regular reporting system by states on their implementation of human rights standards domestically with NGO participation in the drafting of the reports;

- meetings of this regional Commission and its deliberations should be generally open to the public;

- no aspect of government operation and no official should be immune from scrutiny or investigation, including the military and security forces;

- the regional commission should have full investigative powers;

- a separate body should be set up to adjudicate complaints;

- member governments must be required to disseminate information on the regional commission and how it operates.

x) to adopt, following public consultation, **a gender-sensitive national policy on human rights education** and training which provides, among other things, for specific programs designed for government officers and employees, law enforcement officials. There should be programs, both formal and nonformal, on human rights in the curricula of all educational institutions, for which governments should be held primarily responsible, and effective use of the mass media. Particular emphasis should be given to programmes designed specifically for marginalised members of the community. NGOs should be assisted and encouraged to conduct Human Rights Education and training.

xi) to **translate and disseminate materials** relating to human rights instruments and mechanisms into the vernacular languages of the Asia Pacific.

ACTION BY THE UNITED NATIONS

INTERNATIONAL MECHANISMS

i) We call upon the United Nations to **undertake a gender analysis of all human rights instruments to remove gender bias and to address gender specific abuses, and to ensure that** such issues are addressed in all reports, documents etc. produced by UN treaty bodies, thematic and country rapporteurs and working groups, independent experts and all bodies entrusted with protecting human rights in all areas that fall within their mandate;

ii) Welcoming the Draft Declaration on Violence Against Women and urging its adoption by the General Assembly, we recommend that the World Conference **recognise women's rights as human rights** and develop more effective **implementation procedures to eliminate violence against women in both the public and private spheres,** which constitutes the gravest form of sexual discrimination, (for example by adding a supplementary article to CEDAW to outlaw the use of biological engineering to determine the sex of the foetus), and urge consideration of the initiative by the Coalition Against the Trafficking of Women in introducing a **Draft Convention Against Sexual Exploitation;**

iii) We reiterate **the importance of the Secretary General in monitoring state compliance** with Article 4 of the International Covenant on Civil and Political Rights which requires that he be notified of derogations during times of national emergencies;

iv) We urge that the **UN Rapporteur on States of Emergency be given adequate powers** to play a more active role in effectively monitoring derogations of human rights by governments during states of emergency;

v) We urge the United Nations World Conference on Human Rights, to adopt a Convention on the Right to Development embodying the existing Declaration, and to move towards the adoption of Declaration on the Rights of Human Rights Defenders.

vi) We recommend a rethinking and review of the existing definitions of human rights, including the definition of torture, the inclusion of rape, forced migration and the destruction of habitats as war crimes and a recognition of the right to be free from sexual exploitation, including sexual harassment, incest, trafficking and prostitution.

vii) We call on the UN to take appropriate steps to eradicate the practice of untouchability, which is a crime against humanity, and discrimination on the basis of caste, religion and other factors by the year 2000, failing which sanctions will be imposed, keeping in view that development projects financed by UNDP and IFIs of the poor are not effected.

viii) We call on the UN to take appropriate steps for the speedy realisation of the decolonisation of indigenous peoples.

EFFECTIVENESS

We call for specific improvements in the United Nations' capacity and to establish new mechanisms to effectively promote and protect human rights:

i) A special UN office, perhaps under the Under-Secretary general, should be set up to consider the issue of self-determination;

ii) by applying sanctions against governments engaged in gross human rights violations;

iii) by ensuring individual access to UN bodies and providing for individual complaints procedures - to this end, a working group should be established in the Commission on the Status of Women to outline procedures for drafting an Optional Protocol establishing individual complaints procedure under CEDAW

iv) by expanding the impact of the treaty monitoring bodies including in the following ways: requiring a clear report on the extent to which a country has fulfilled its obligations and the extent to which it has failed; insisting on the submission of state reports and submission on time; encouraging consultation by states with NGOs and inclusion of NGO reports in State reports (with the NGO's consent); officially allowing for NGOS to submit parallel reports; full public disclosure of the proceedings of each session;

v) by reinforcing the work of existing country and thematic Rapporteurs and Working Groups and by establishing new mandates as required, and enhancing the effectiveness of such mechanisms by: providing for greater investigatorial powers; setting up a system to follow-up on recommendations for implementation by governments; regularisation of on-site visits; more accessibility for victims and their families; improving security for UN delegations, rapporteurs, working group members;

vi) by requiring that serving members of the Sub-Commission on Human Rights not be drawn from government ranks (such as politicians or diplomats) but should be sought from academia, NGOs, the media or other appropriate sectors and allowing for candidates to be nominated by countries other than own;

vii) by establishing a UN Special Commissioner for Human Rights as a new high-level political authority to bring a more effective and rapid response, coherence and coordination in the protection of human rights;

viii) by the formation of a UN Commission on Indigenous Peoples' with a permanent status and with the functions of monitoring, raising consciousness of the public on the situation of indigenous peoples and others;

ix) by improving the operation of the UN Commission on Human Rights through the inclusion of discrimination against indigenous peoples as a permanent item on the agenda; and, by not precluding as a result of using the 1503 procedure, the raising of an issue in other fora;

x) by improving emergency mechanisms through: an "early warning device" enabling the UN to respond more effectively before a situation deteriorates into crisis; maximising the use of special envoys by the Secretary General; expanding the powers of the Under-Secretary for Human Rights to enable a response to emergency situations; strengthening Urgent Action procedures;

xi) by establishing a Permanent International Court on Human Rights with compulsory jurisdiction over all cases of human rights violations;

xii) by establishing a Permanent International Criminal Court, to which individuals have direct access, to provide both criminal sanctions and civil remedies against war crimes, crimes against peace and crimes against humanity including gender-specific abuses - in international, internal and armed conflicts.

xiii) by establishing a war crimes tribunal in Asia to adjudicate on military atrocities, including sexual slavery

xiv) by establishing Special Rapporteurs on the rights of indigenous peoples, on gender discrimination and violence, and on children's rights, on the trafficking in women, authorized to receive and report on information from governments, NGOs and inter-governmental institutions, to respond effectively to allegations of violations of human rights and to recommend measures for their prevention. The rapporteur on gender violence should also report to the Commission on the Status of Women.

xv) by sending fact-finding missions to countries in our region where gross violations of indigenous peoples' rights are reported;

xvi) by providing mandatory gender training for UN personnel and independent experts,

xvii) by the integration of a gender perspective programme in all UN advisory services on human rights;

xviii) by allocating at least 5% of the UN budget to human rights work;

xix) by increasing resurces available to UN human rights bodies, such as CEDAW - by extending meeting sessions and providing more support staff- and the UN Voluntary Fund for the Victims of Torture

xx) ensuring periodic evaluations of the effectiveness of UN monitoring, reporting and complaints procedures and its advisory services and training programs in addressing violations of the rights of women, children and indigenous peoples;

HUMAN RIGHTS EDUCATION AND TRAINING

We call upon the UN to

i) declare a "Peoples' Decade for Human Rights Education and Training";

ii) implement mechanisms for the review of Human Rights Education and Training, possibly by the relevant treaty monitoring bodies;

iii) establish an International Fund for Human Rights education and Training activities for states ad NGOs

iv) instruct each UN body to prepare a report on the effectiveness of their initiatives to address women's human rights for the 1995 World Conference on Women;

v) ensure that the rights of indigenous peoples finally gain a place on the formal agenda of the UN Commission on Human Rights.

DEMOCRATISATION

We recommend the democratisation of relevant UN processes in the following ways :

i) by **democratization of the Security Council**, in particular by abolition of the veto and permanent membership and the transfer of additional responsibilities to the General Assembly; moreover, membership of the Security Council should be denied to any State responsible for war crimes against humanity, such as military sexual slavery, before it accepts its state responsibility.

ii) by establishing mechanisms to ensure that the concerns, experiences and struggles of hitherto marginalised groups, including women, children,indigenous peoples and workers, can be represented in all UN structures and its ongoing activities; in particular by the granting of consultative status, the inclusion of such concerns in the agenda of the regional meeting and the World Conference; and by recognising their representatives to speak at the meetings.

iii) taking into account the absence of an inter-governmental human rights mechanism in the Asia-Pacific region, we call on the UN Commission on Human rights to develop procedures and provide the means to enable NGOs to access the UN system both within Asia and beyond; specifically, we call for the sittings of the Sub-Commission on Human Rights in August every year to be held in rotation in the Latin American, African and Asian-Pacific regions; ECOSOC rules and procedures limiting NGO participation should be waived; the accreditation decisions should always be by majority and may be bysecret ballot;

iv) by recognising, promoting and supporting NGO activities on human rights by making available technical, human and financial resources from the UN;

SPECIALISED AGENCIES

With regard to UN institutions and their specialised agencies we call upon the UN, governments of the North and the South to actively monitor, regulate and ensure:

i) the policies of the IMF, World Bank, GATT and other multilateral agencies -and bilateral agencies - to ensure their conformity with UN/ILO standards;

ii) the protection of all workers, trade unions and labour rights groups not officially recognized by their governments, by: strengthening ILO policies relating to workers in the unorganized/informal sector and to the trade union rights of government employees; and addressing the practice of the expulsion or forced migration of workers, especially women, in occupied territories;

iii) the activities of TNCs operating in the Asia-Pacific region so as to ensure compliance with international labour standards.

iv) procedures for the accountability of the UN delegates, personnel and agents for human rights violations, including gender specific abuses.

MILITARISATION

We call on governments :

i) to adopt measures to bring to an immediate end the production, sale, exhibition and advertising of weapons of mass destruction and nuclear weapons, and military exercises of all kinds;

ii) to dismantle all existing weapons of mass destruction and to end the military training of Asia-Pacific defence, military and security personnel by Western countries for combat against their own people;

iii) to re-allocate military budgets to development needs, improved preventive mechanisms, consultative processes, social services and peaceful settlement of disputes;

iv) to disband all paramilitary forces;

v) to take immediate steps to ensure that Asia and the Pacific are not host to foreign bases and are free of nuclear weaponry and power;

vi) to make publicly available information on military expenditure;

vii) with specific reference to the operation of UN peace-keeping forces, emergency response mechanisms and humanitarian assistance, to ensure an effective response to the particular vulnerabilities of women as a group in situations of armed or ethnic conflict; to address the impact on women and children of all measures taken and the effect on the local female population of the discipline and behaviour of male military personnel;

viii) to release all Prisoners of War and civilians detained in contravention of international humanitarian law;

xix) to ensure all citizens have the right to conscientious objection.